

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

BRENDA K. GORDON,

Plaintiff,

v.

WELLS FARGO BANK N.A., *et al.*,

Defendants.

Civil No. 09-1063-HA

ORDER

HAGGERTY, District Judge:

Pending before this court are a number of motions that were cast into doubt by plaintiff's attempts to seek interlocutory review by the United States Court of Appeals for the Ninth Circuit. This Order now resolves these motions.

Plaintiff has sought leave to file a Second Amended Complaint (SAC) [88]. She portrayed this motion as unopposed, but defendants Wells Fargo Bank and Dominique Gombos filed a Memorandum of Partial Opposition. Plaintiff then advanced a Motion to Strike [92] this opposition. Defendants Wells Fargo Bank and Dominique Gombos subsequently filed a Motion to Dismiss plaintiff's First Amended Complaint (FAC) [97].

**ORDER -- 1**

For purposes of streamlining this action for complete adjudication, the following rulings are issued. Plaintiff's Motion for Leave to File a SAC [88] is granted in part as follows: plaintiff is ordered to provide copies of the proposed SAC (with all exhibits) to the court and to all defendants no later than January 19, 2011. Defendants shall have until January 28, 2011 to file any objections to the request for leave for filing the SAC. If leave is granted, the SAC will be construed as filed, and defendants will have until February 28, 2011 to file Answers or otherwise respond to the SAC. Failure to provide the proposed SAC with exhibits by January 19, 2011, to all defendants and to the court will result in the dismissal of this action with prejudice.

Plaintiff's Motion to Strike [92] is denied.

The Motion to Dismiss plaintiff's First Amended Complaint (FAC) [97] filed by defendants Wells Fargo Bank and Dominique Gombos is denied as moot. Leave will be granted to renew this motion if plaintiff provides the proposed SAC in a timely manner but its filing is subsequently denied.

The prior Motion for Summary Judgment [47] filed by defendants City of King City Police Department and Shane Robinson is denied as moot. Leave will be granted to renew this motion if plaintiff provides the proposed SAC in a timely manner but its filing is subsequently denied.

Plaintiff's second "Motion for Leave to Proceed IFP" [74] is denied as moot. Plaintiff was already granted this status by Order signed January 11, 2010.

IT IS SO ORDERED.

DATED this 20 day of December, 2010.

/s/ Ancer L. Haggerty  
Ancer L. Haggerty  
United States District Judge